Statement

Relevant Extracts from judgement given by the honourable Supreme Court on 25-4-1988 *in the case of National Union of All India Radio and others* versus *Union of India and another*

In Civil Appeal No. 384 of 1977 Union of India vs. M. .A Chowdhary (A.I.R. 1987) Supreme Court 1526) we have declared that all the Staff Artists of the All India Radio are holding civil posts under the Government and they are governed by Article 311(2) of the Constitution of India.

In view of the above decision it is no longer necessary to make any further declaration in these petitions that the staff artists are Government servants. The Circular dated 3rd May, 1982 bearing No. 45011|26|80-B(A) issued by the Ministry of Information and Broadcasting, Government of India proceeded on the assumption that the staff artists who had entered the service of the All India Radio/ Doordarshan under the contracts were not Government servants and that only those staff artists specifically mentioned in that circular could become and be treated as Government servants provided they satisfied the conditions mentioned therein. In view of the decision referred to above it has now become necessary fo rthe Government to review the entire question covered by the Circular dated 3rd May, 1982. We, therefore, direct the Government of India to review the entire situation and to prepare a fresh scheme in accordance with law having regard to the nature of the duties performed by each category of staff artists. While preparing such a scheme the Government may also keep in view the cases of staff artists who have already exercised their option as provided by the Circular dated 3rd May, 1982.

Tour of Mid-east Countries by NCCF Official

966. SHRI SHANKER SINH VAGHELA: Will the Minister of FOOD AND CIVIL SUPPLIES be pleased to state:

(a) whether it is a fact that Regional Manager (West) of NCCF officially toured mid-east countries in 1983-84 for import of dry fruits and his itinerary was approved in advance by relevant authorities including Reserve Bank of India for foreign exchange as also approval of the Department of Civil Supplies for onward recommendations to R.B.I.;

(b) whether he also visited Dubai from Iran without any prior programme and approval and though his said visit to Dubai was purely personal and he charged the office for expenses thereto;

(c) if so, how were such improper expenses approved and by whom; and

(d) whether the amount involved has been recovered from the said officer and what action is proposed to be taken against the guilty officer as also the others concerned in reimbursement of the amount not due to them?

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI D. L. BAITHA): (a) and (b) The officer officially visited Middle East countries from 1-10-1982 to 14-10-1982, including Dubai and not during 1983-84. His Tour Programme for these countries was approved by the then Executive Director of the Federation in advance.

(c) and (d) Do not arise.

Sale of gram by NCCF to Fake Firm oil Delhi

967. SHRI KAILASH PATI MISHRA: Will the Minister of FOOD AND CIVIL SUPPLIES be pleased to state:

(a) whether the then Branch Manger Delhi of NCCF sold 1200 bags of gram in 1978-79 in market in the name of M|s. Agarwal Traders, a fake firm;

(b) whether these stocks were termed as flood affected though there was no flood in godown and a fake report was prepared for the purpose by Assistant Manger in connivance of said Branch Manager and by this sale, these officers defrauded and cheated the Federation for about Rs.4 lacs;

(c) whether any report of Flood Authority was called for by NCCF and if not, the reasons therefor; and

(d) what action is proposed to be taken against the responsible officers for acts

of foregery/cheating and defrauding the Federation?

THE DEPUTY MINISTER IN THE MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI D. L. BAITHA): (a) A total quantity of 1240 bags of gram was sold by NCCF during the Year 1978-79 to the firm, on the basis of the highest tenders.

(b) A part of the stock was termed as flood affected and was reporcessed and disposed off. There is no record to suggest any mal-practice in the deal.

(c) No, sir.

(d) There is no evidence to this effect and as such no action has been taken.

Verification of stocks in NCCF by Chartered Accountants

968. SHRI KAILASH PATI MISHRA: Will the Minister of FOOD AND CIVIL SUPPLIES be pleased to state:

(a) whether it is a fact that three firms of Chartered Accountants were engaged by NCCF for verification and valuation of stocks held by NCCF throughout the country on 31-12-85 and the same firms were also the statutory auditors of NCCF;

(b) if so, how much amount was paid to them for this work;

(c) under what head of account this payment has been disclosed; and

(d) the details of their report?

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI D. L. BAITHA): (a) Out of six firms of Chartered Accountants engaged by the NCCF for verification of the stocks as on 31-12-1985, three firms were the statutory auditors for 1984-85 and of which only one firm was also statutory auditor for 1985-86.

(b) A total amount of Rs. 45,913|-had been paid to the six firms.

(c) The expenditure was debited under the head 'Legal & Professional charges'.

(d) The firm of Chartered Accountants submitted detailed reports on the verification of stocks of the respective branches of NCCF.

Austerity measures in NCCF

969. SHRI KAILASH PATI MISHRA: Will the Minister of FOOD AND CIVIL SUPPLIES be pleased to state:

(a) whether it is a fact that a series of austerity measures were decided in NCCF in July—October, 1987 which included discontinuance of sumptury allowance of the managing director and limited use of staff cars;

(b) whether it is a fact that NCCF has failed to pay dearness allowance to its staff since the last ten months due to paucity of funds;

(c) if so, how managing director is (i) drawing monthly sumptury allowance, (ii) using staff car for five hundred K.M. a month for personal purposes and (iii) has allowed leased accommodation of Rs. 2,800 per month to the Chief Vigilance officer in spite of discontinuance of these facilities in NCCF; and

(d) what are the facilities discontinued for the staff of NCCF and when the DA is likely to be paid to the staff?

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI D. L. BAITHA): (a) Yes, Sir.

(b) NCCF is paying dearness allowance to its staff according to the prescribed pattern. However, due to financial crisis the NCCF has not been able to consider payment of further intalments of DA.

(c) The former Manaking Director of NCCF was appointed from the All India Services on deputation basis as per the normal terms which are allowed to such officers when drawn on deputation basis. Similarly the Chief Vigilance Officer has been appointed from Central Services and provision of residential accommodation to him on a monthly rent of Rs. 2,700|- is part of the normal term and condition of this appointment on deputation basis.